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Attorneys for GP LLC

IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

In re	}	Case No. 18-34244-pcm11
Christian S. Radabaugh, Sr.,		GP LLC'S RESPONSE TO MOTION
Debtor-in-Possession.		FOR FINAL ORDER UNDER
		SECTIONS 361 AND 363 OF THE
		BANKRUPTCY CODE, AUTHORIZING
		DEBTOR TO USE CASH COLLATERAL
		AND TO GRANT ADEQUATE
		PROTECTION NUNC PRO TUNC
		[Dkt. No. 54]

GP LLC ("GP") responds to *DEBTOR'S MOTION FOR FINAL ORDER UNDER SECTIONS 361 AND 363 OF THE BANKRUPTCY CODE, AUTHORIZING DEBTOR TO USE CASH COLLATERAL AND TO GRANT ADEQUATE PROTECTION NUNC PRO TUNC* [Dkt. No. 54] ("Cash Collateral Motion") as follows:

1. GP does not object to the Debtor's use of cash collateral, provided, however, the Debtor should segregate and use estate cash that is not cash collateral of GP as such cash is received before the Debtor uses GP's cash collateral.

2. The Debtor asserts that GP is over secured, largely because the Debtor claims its real property is worth \$6.25 million. However, the Debtor fails to state in the Cash Collateral Motion that the real property is encumbered by a first position lien in favor of Zions Agricultural Finance with a debt scheduled in Schedule A of \$2,930,000.

3. More importantly, GP disputes the value of the Debtor's real property and

Page 1 of 2 - GP LLC'S RESPONSE TO MOTION FOR FINAL ORDER UNDER SECTIONS 361 AND 363 OF THE BANKRUPTCY CODE, AUTHORIZING DEBTOR TO USE CASH COLLATERAL AND TO GRANT ADEQUATE PROTECTION NUNC PRO TUNC [Dkt. No. 54]

1 believes the value to be considerably less than suggested by the Debtor. GP does not
2 believe it is necessary for purposes of the Cash Collateral Motion for the Court to
3 determine the value of the real property and GP requests the Court not make that
4 determination at this time and reserve that issue for a future date if necessary.

5 4. Finally, GP does not oppose entry of the proposed cash collateral order
6 (Exhibit A to the Cash Collateral Motion), but would like (a) the order to reflect the
7 Debtor's obligation to first use non-GP cash collateral; (b) for paragraph 8 of the order to
8 be modified to include as a default a breach by the Debtor of any terms of the
9 underlying Security Agreement, other than a breach caused by the Debtor's Chapter 11
10 filing and for a missed payment; and (c) for paragraph 9 of the order to state that the
11 order is not a determination of the value of GP's collateral.

12 SUSSMAN SHANK LLP

13 By /s/ Howard M. Levine
14 Howard M. Levine, OSB No. 800730
15 Attorneys for GP LLC

16 *24987-001\RESPONSE TO MOTION TO USE CASH COLLATERAL (03064871);1
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**Page 2 of 2 - GP LLC'S RESPONSE TO MOTION FOR FINAL ORDER UNDER
SECTIONS 361 AND 363 OF THE BANKRUPTCY CODE, AUTHORIZING DEBTOR
TO USE CASH COLLATERAL AND TO GRANT ADEQUATE PROTECTION NUNC
PRO TUNC [Dkt. No. 54]**

1 CERTIFICATE OF SERVICE

2 I, Janine E. Hume declare as follows:

3 I am employed in the County of Multnomah, state of Oregon; I am over the age of
4 eighteen years and am not a party to this action; my business address is 1000 SW
5 Broadway, Suite 1400, Portland, Oregon 97205-3089, in said county and state.

6 I certify that on January 8, 2019, I served, via first class mail, a full and correct
7 copy of the foregoing **DEBTOR'S MOTION FOR FINAL ORDER UNDER**
8 **SECTIONS 361 AND 363 OF THE BANKRUPTCY CODE, AUTHORIZING DEBTOR**
9 **TO USE CASH COLLATERAL AND TO GRANT ADEQUATE PROTECTION NUNC**
10 **PRO TUNC [DKT. NO. 54]**, to the parties of record, addressed as follows:

11 ODR Bkcy
12 955 Center St NE
Salem, OR 97301-2555

13 I also certify that on January 8, 2019, I served the above-referenced document(s)
14 on all ECF participants as indicated on the Court's Cm/ECF system.

15 I swear under penalty of perjury that the foregoing is true and correct to the best
16 of my knowledge, information, and belief.

17 Dated: January 8, 2019.

18
19 /s/ Janine E. Hume

20 _____
Janine E. Hume, Legal Assistant

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